

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01425-TNM**

AMERICAN CENTER FOR LAW AND JUSTICE v. UNITED STATES NATIONAL SECURITY AGENCY

Assigned to: Judge Trevor N. McFadden

Case: 1:17-cv-01991-RDM

Cause: 05:552 Freedom of Information Act

Date Filed: 07/18/2017

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

**AMERICAN CENTER FOR LAW
AND JUSTICE**

represented by **Andrew J. Ekonomou**
LAMBROS FIRM
1280 The Peachtree
1355 Peachtree Street, NE
Atlanta, GA 30309
(404) 221-1000
Fax: (404) 577-3900
Email: aekonomou@lambrosfirm.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Craig L. Parshall
AMERICAN CENTER FOR LAW &
JUSTICE
201 Maryland Avenue NE
Washington, DC 20002
(202) 546-8890
Fax: (202) 546-9309
Email: parshallpolicy@gmail.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jordan Adam Sekulow
AMERICAN CENTER FOR LAW AND
JUSTICE
201 Maryland Avenue, NE
Washington, DC 20002
(202) 546-8890
Fax: (202) 546-9309
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Abigail A. Southerland
AMERICAN CENTER FOR LAW &
JUSTICE
625 Bakers Bridge Avenue
Suite 105-121
Franklin, TN 37067
(800) 296-4529
Fax: (202) 546-9309
Email: asoutherland@aclj.org
ATTORNEY TO BE NOTICED

Carly F. Gammill
AMERICAN CENTER FOR LAW &
JUSTICE
201 Maryland Avenue NE
Washington, DC 20002
(202) 546-8890

Fax: (202) 546-9309
Email: cgamill@aclj-dc.org
TERMINATED: 08/16/2018

Colby Mims May
AMERICAN CENTER FOR LAW &
JUSTICE
201 Maryland Avenue NE
Washington, DC 20002
(202) 544-5171
Fax: (202) 544-5172
Email: cmmay@aclj-dc.org
ATTORNEY TO BE NOTICED

Matthew Robert Clark
AMERICAN CENTER FOR LAW &
JUSTICE
201 Maryland Avenue NE
Washington, DC 20002
(202) 546-8890
Fax: (202) 546-9309
Email: mclark@aclj.org
ATTORNEY TO BE NOTICED

Olivia F. Summers
AMERICAN CENTER FOR LAW &
JUSTICE
201 Maryland Avenue NE
Washington, DC 20002
(800) 202-8890
Fax: (202) 546-9309
Email: osummers@aclj.org
ATTORNEY TO BE NOTICED

Stuart J. Roth
AMERICAN CENTER FOR LAW &
JUSTICE
201 Maryland Avenue NE
Washington, DC 20002
(202) 546-8890
Fax: (202) 546-9309
Email: stuartroth1@gmail.com
ATTORNEY TO BE NOTICED

Benjamin Paul Sisney
AMERICAN CENTER FOR LAW &
JUSTICE
201 Maryland Avenue NE
Washington, DC 20002
(202) 546-8890
Fax: (202) 546-9309
Email: bsisney@aclj.org
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES NATIONAL
SECURITY AGENCY**

represented by **Anjali Motgi**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L St., NW
Suite 12308
Washington, DC 20002
(202) 305-0879

Fax: (202) 616-8470
 Email: anjali.motgi@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DEPARTMENT OF STATE
17cv1991

represented by **Jeremy S. Simon**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2528
 Fax: (202) 252-2599
 Email: jeremy.simon@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/18/2017	<u>1</u>	COMPLAINT against UNITED STATES NATIONAL SECURITY AGENCY (Filing fee \$ 400 receipt number 0090-5035434) filed by AMERICAN CENTER FOR LAW AND JUSTICE. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons)(Sisney, Benjamin) (Entered: 07/18/2017)
07/18/2017	<u>2</u>	NOTICE of Appearance by Benjamin Paul Sisney on behalf of AMERICAN CENTER FOR LAW AND JUSTICE (Sisney, Benjamin) (Entered: 07/18/2017)
07/18/2017	<u>3</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN CENTER FOR LAW AND JUSTICE (Sisney, Benjamin) (Entered: 07/18/2017)
07/18/2017	<u>4</u>	NOTICE of Appearance by Stuart J. Roth on behalf of AMERICAN CENTER FOR LAW AND JUSTICE (Roth, Stuart) (Entered: 07/18/2017)
07/18/2017	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Andrew J. Ekonomou, :Firm- American Center for Law and Justice, :Address- 201 Maryland Avenue, NE. Phone No. - 202-546-8890. Fax No. - 202-546-9309 Filing fee \$ 100, receipt number 0090-5035587. Fee Status: Fee Paid. by AMERICAN CENTER FOR LAW AND JUSTICE (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Roth, Stuart) (Entered: 07/18/2017)
07/18/2017	<u>6</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Craig L. Parshall, :Firm- American Center for Law and Justice, :Address- 201 Maryland Avenue, NE. Phone No. - 202-546-8890. Fax No. - 202-546-9309 Filing fee \$ 100, receipt number 0090-5035614. Fee Status: Fee Paid. by AMERICAN CENTER FOR LAW AND JUSTICE (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Roth, Stuart) (Entered: 07/18/2017)
07/18/2017	<u>7</u>	NOTICE of Appearance by Colby Mims May on behalf of AMERICAN CENTER FOR LAW AND JUSTICE (May, Colby) (Entered: 07/18/2017)
07/18/2017	<u>8</u>	NOTICE of Appearance by Matthew Robert Clark on behalf of AMERICAN CENTER FOR LAW AND JUSTICE (Clark, Matthew) (Entered: 07/18/2017)
07/18/2017		Case Assigned to Judge Royce C. Lamberth. (md) (Entered: 07/18/2017)
07/18/2017	<u>9</u>	SUMMONS (3) Issued Electronically as to UNITED STATES NATIONAL SECURITY AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 07/18/2017)
07/19/2017	<u>10</u>	NOTICE of Appearance by Abigail A. Southerland on behalf of AMERICAN CENTER FOR LAW AND JUSTICE (Southerland, Abigail) (Entered: 07/19/2017)
08/02/2017	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/19/2017.

		Answer due for ALL FEDERAL DEFENDANTS by 8/18/2017. (Sisney, Benjamin) (Entered: 08/02/2017)
08/02/2017	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 07/19/2017. (Sisney, Benjamin) (Entered: 08/02/2017)
08/08/2017	<u>13</u>	ORDER granting <u>5</u> Motion for Leave to Appear Pro Hac Vice. Signed by Judge Royce C. Lamberth on 8/7/17. (lsj) (Entered: 08/08/2017)
08/08/2017	<u>14</u>	ORDER granting <u>6</u> Motion for Leave to Appear Pro Hac Vice. Signed by Judge Royce C. Lamberth on 8/7/17. (lsj) (Entered: 08/08/2017)
08/18/2017	<u>15</u>	ANSWER to Complaint by UNITED STATES NATIONAL SECURITY AGENCY.(Motgi, Anjali) (Entered: 08/18/2017)
11/02/2017		Case directly reassigned to Judge Trevor N. McFadden. Judge Royce C. Lamberth is no longer assigned to the case. (ztnr) (Entered: 11/02/2017)
11/20/2017	<u>16</u>	ORDER: Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before December 22, 2017. See attached Order for additional details. Signed by Judge Trevor N. McFadden on 11/20/2017. (lctnm2) (Entered: 11/20/2017)
11/20/2017		Set/Reset Deadlines: Joint Status Report due by 12/22/2017. (hmc) (Entered: 11/20/2017)
12/19/2017	<u>17</u>	MOTION to Consolidate Cases <i>and Continue Joint Status Report</i> by UNITED STATES NATIONAL SECURITY AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Motgi, Anjali). Added MOTION to Continue on 12/20/2017 (td). (Entered: 12/19/2017)
12/20/2017		MINUTE ORDER granting Defendant's <u>17</u> Motion to Consolidate Related Cases and Continue Joint Status Report. It is hereby ORDERED that American Center for Law and Justice v. U.S. National Security Agency, No. 17-cv-01425, and American Center for Law and Justice v. U.S. Department of States, No. 17-cv-01991, are consolidated. The Clerk's Office shall close No. 17-cv-01991 and transfer those parties to No. 17-cv-01425; all filings shall be made only in No. 17-cv-01425 and parties shall NOT elect to spread text when filing on ECF, as this will result in repetitive docketing. It is further ORDERED that the parties in both cases shall appear for a status conference on January 4, 2018 at 10:00 a.m., in place of the status conference set for December 21, 2017 in No. 17-cv-01991, and the joint status report due on December 22, 2017 in No. 17-cv-01425. The parties shall meet and confer prior to the status conference to discuss the status of the underlying FOIA requests and scheduling for further proceedings. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/20/2017. (lctnm2) (Entered: 12/20/2017)
12/21/2017		Set/Reset Hearings: Status Conference scheduled for 1/4/2018, at 10:00 AM in Courtroom 2, before Judge Trevor N. McFadden. (hmc) (Entered: 12/21/2017)
01/04/2018		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference held on 1/4/2018. Order forthcoming. (Court Reporter: Lisa Moreira.) (hmc) (Entered: 01/04/2018)
01/04/2018		MINUTE ORDER. Pursuant to the status conference held on January 4, 2018, the parties shall file a Joint Status Report on or before February 2, 2018. It is further ORDERED that the parties shall file a Joint Status Report every 60 days thereafter, unless the parties agree upon and the Court approves another time frame. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/4/2018. (lctnm2) (Entered: 01/04/2018)
01/05/2018		Set/Reset Deadlines: Joint Status Report due by 2/2/2018, and every 60 days thereafter, unless the parties agree upon and the Court approves another time frame. (tg) (Entered: 01/05/2018)
01/09/2018	<u>18</u>	TRANSCRIPT OF STATUS CONFERENCE before Judge Trevor N. McFadden held on January 4, 2018; Page Numbers: 1-18. Date of Issuance:January 9, 2018. Court Reporter/Transcriber Lisa Moreira, RDR, CRR, Telephone number (202) 354-3187,

		<p>Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 1/30/2018. Redacted Transcript Deadline set for 2/9/2018. Release of Transcript Restriction set for 4/9/2018.(Moreira, Lisa) (Entered: 01/09/2018)</p>
02/02/2018	<u>19</u>	Joint STATUS REPORT by DEPARTMENT OF STATE, UNITED STATES NATIONAL SECURITY AGENCY. (Motgi, Anjali) (Entered: 02/02/2018)
02/05/2018		MINUTE ORDER. In light of the parties' <u>19</u> Joint Status Report, the parties are hereby ORDERED to appear for a status conference on April 5, 2018, at 10:00 a.m. in Courtroom 2, before Judge Trevor N. McFadden. The plaintiff's request for a briefing schedule will be held in abeyance until that time. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/5/2018. (lctnm2) (Entered: 02/05/2018)
02/05/2018		Set/Reset Hearings: Status Conference scheduled for 4/5/2018, at 10:00 AM in Courtroom 2, before Judge Trevor N. McFadden. (hmc) (Entered: 02/05/2018)
04/03/2018	<u>20</u>	Joint STATUS REPORT <i>and Request to Continue Status Conference</i> by DEPARTMENT OF STATE, UNITED STATES NATIONAL SECURITY AGENCY. Associated Cases: 1:17-cv-01425-TNM, 1:17-cv-01991-RDM (Motgi, Anjali) (Entered: 04/03/2018)
04/03/2018	21	MOTION to Continue <i>Status Hearing</i> by AMERICAN CENTER FOR LAW AND JUSTICE, DEPARTMENT OF STATE, UNITED STATES NATIONAL SECURITY AGENCY. (See Docket Entry <u>20</u> to view document). (znmw) (Entered: 04/04/2018)
04/04/2018		MINUTE ORDER. Upon consideration of the parties' <u>20</u> Request to Continue the Status Conference set for April 5, 2018, that request is hereby DENIED. The parties shall appear for the status conference as previously scheduled. SO ORDERED. Signed by Judge Trevor N. McFadden on 4/4/2018. (lctnm2) (Entered: 04/04/2018)
04/05/2018		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference held on 4/5/2018. Order forthcoming. (Court Reporter: Patricia Kaneshiro-Miller.) (hmc) (Entered: 04/05/2018)
04/05/2018		MINUTE ORDER. Until otherwise ordered by the Court, the State Department shall aspire to process 400 pages per month, with the expectation that any monthly shortfall will be made up in the following month. At this time, the Court will not order briefing on the Defendants' <i>Glomar</i> responses, and the current requirement of Joint Status Reports every 60 days will continue unchanged. SO ORDERED. (lctnm2) (Entered: 04/05/2018)
04/25/2018	<u>22</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Courtesy copies are excused for all filings predating the entry of this Standing Order. Signed by Judge Trevor N. McFadden on 4/25/2018. (lctnm2) (Entered: 04/25/2018)
05/03/2018		MINUTE ORDER. In light of the Plaintiff's recent filing in <i>American Center for Law and Justice v. United States Department of State</i> , Case No. 1:16-cv-1975, and the Court's subsequent processing order in that case, the requirement that the State Department aspire to process 400 pages per month in this case is hereby LIFTED. The State Department shall continue to process potentially responsive records with due diligence but without a monthly minimum. The parties shall continue to file Joint

		Status Reports every 60 days, as previously ordered. SO ORDERED. Signed by Judge Trevor N. McFadden on 5/3/2018. (lctnm2) (Entered: 05/03/2018)
06/04/2018	<u>23</u>	Joint STATUS REPORT by DEPARTMENT OF STATE, UNITED STATES NATIONAL SECURITY AGENCY. (Motgi, Anjali) (Entered: 06/04/2018)
08/03/2018	<u>24</u>	Joint STATUS REPORT by DEPARTMENT OF STATE, UNITED STATES NATIONAL SECURITY AGENCY. (Motgi, Anjali) (Entered: 08/03/2018)
08/16/2018	<u>25</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to AMERICAN CENTER FOR LAW AND JUSTICE. Attorney Carly F. Gammill terminated. (Southerland, Abigail) (Entered: 08/16/2018)
08/30/2018	<u>26</u>	NOTICE of Appearance by Olivia F. Summers on behalf of All Plaintiffs Associated Cases: 1:17-cv-01425-TNM, 1:17-cv-01991-RDM(Summers, Olivia) (Entered: 08/30/2018)
10/03/2018	<u>27</u>	Joint STATUS REPORT by DEPARTMENT OF STATE. Associated Cases: 1:17-cv-01425-TNM, 1:17-cv-01991-RDM(Motgi, Anjali) (Entered: 10/03/2018)
12/03/2018	<u>28</u>	Joint STATUS REPORT by DEPARTMENT OF STATE, UNITED STATES NATIONAL SECURITY AGENCY. (Simon, Jeremy) (Entered: 12/03/2018)
02/04/2019	<u>29</u>	Joint STATUS REPORT by DEPARTMENT OF STATE, UNITED STATES NATIONAL SECURITY AGENCY. (Simon, Jeremy) (Entered: 02/04/2019)
04/04/2019	<u>30</u>	Joint STATUS REPORT by DEPARTMENT OF STATE, UNITED STATES NATIONAL SECURITY AGENCY. (Simon, Jeremy) (Entered: 04/04/2019)
06/04/2019	<u>31</u>	Joint STATUS REPORT by DEPARTMENT OF STATE, UNITED STATES NATIONAL SECURITY AGENCY. (Simon, Jeremy) (Entered: 06/04/2019)
08/01/2019	<u>32</u>	Joint STATUS REPORT by DEPARTMENT OF STATE, UNITED STATES NATIONAL SECURITY AGENCY. (Simon, Jeremy) (Entered: 08/01/2019)
08/01/2019		MINUTE ORDER. Upon consideration of the parties' <u>32</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report or before September 3, 2019. The Joint Status Report should advise the Court about outstanding issues in the case and, if necessary, propose a briefing schedule. It is further ordered that the parties shall appear for a status conference before Judge Trevor N. McFadden at 10 am in Courtroom 2 on September 16, 2019. Signed by Judge Trevor N. McFadden on 08/01/2019. (lctnm2) (Entered: 08/01/2019)
08/02/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 9/3/2019. Status Conference set for 9/16/2019 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 08/02/2019)
08/14/2019		NOTICE of Hearing:The parties shall take notice that the Status Conference previously set for 9/16/2019, is rescheduled to 9/18/2019 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 08/14/2019)
08/30/2019	<u>33</u>	Joint STATUS REPORT by DEPARTMENT OF STATE, UNITED STATES NATIONAL SECURITY AGENCY. (Simon, Jeremy) (Entered: 08/30/2019)
09/03/2019		MINUTE ORDER. Upon consideration of the parties <u>33</u> Joint Status Report, it is hereby ordered that the parties shall submit a further Joint Status Report on or before October 31, 2019. The status report should advise the Court about the parties discussions regarding the Defendants forthcoming Vaughn index and propose a briefing schedule. It is further ordered that the Status Conference set for September 18, 2019 is rescheduled for 10 AM on November 4, 2019 in Courtroom 2. Signed by Judge Trevor N. McFadden on 09/03/2019. (lctnm2) (Entered: 09/03/2019)
09/03/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 10/31/2019. Status Conference rescheduled for 11/4/2019 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 09/03/2019)
10/31/2019	<u>34</u>	Joint STATUS REPORT by DEPARTMENT OF STATE, UNITED STATES NATIONAL SECURITY AGENCY. (Simon, Jeremy) (Entered: 10/31/2019)

11/01/2019		MINUTE ORDER. Upon consideration of the parties' <u>34</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further Joint Status Report on or before December 5, 2019. The status report should include a proposed briefing schedule. It is further ORDERED that the Status Conference set for November 4, 2019, is rescheduled for December 9, 2019, at 10:00 a.m. in Courtroom 2, before Judge Trevor N. McFadden. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/1/2019. (lctnm2) (Entered: 11/01/2019)
11/04/2019		Set/Reset Deadlines/Hearings: Status Report due by 12/5/2019. Status Conference rescheduled for 12/9/2019 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 11/04/2019)